

Appl. No. 10/087,142 (Docket 093/005)
Amdt. dated May 15, 2006
Reply to Office Action of February 13, 2006

REMARKS/ARGUMENTS:

Applicants have amended claim 13. Claims 13 and 21-18 are now pending in this application. Reconsideration and allowance of the application is respectfully requested.

Double Patenting

Claims 1-4, 6, 7, 9, 10, and 13 are provisionally rejected over pending U.S. Application Serial No. 10/001,267 ("267 application") and over pending U.S. Application Serial No. 10/810,311 ("311 application") under the judicially created obviousness-type double patenting doctrine. Action at pages 3-4. Applicants note that the double patenting rejections are provisional at this point. Applicants request abeyance of the rejections until issuance of the '267 application or the '311 application.

Rejection under 35 U.S.C. §112, first paragraph (enablement)

The Office rejected claims 13 and 21-28 as allegedly lacking enablement under 35 U.S.C. §112, first paragraph. Action at page 5. The Office contended that while the specification enables "methods for obtaining hepatocytes lineage cells, by culturing primate pluripotent stem cells in a growth environment that comprises butyrate or an analog of butyrate . . .", the specification does not "reasonably provide enablement for the breadth of the claims, which are directed to the production of hepatocyte lineage cells in the absence of butyrate or an analog of butyrate." *Id.*

Applicants have amended claim 13 such that it is now directed to growth environments that also comprise butyrate or an analog of butyrate. Applicants respectfully request reconsideration and withdrawal of the enablement rejections.

Fees Due

Should the Patent Office determine that a further extension of time or any other relief is required for further consideration of this application, Applicants hereby petition for such relief, and authorize the Commissioner to charge the cost of such petitions and other fees due in connection with

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the filing of these papers to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,

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Facsimile Transmittal Sheet

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